



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8033 of 2021
(Heard through VC)

R.Baskaran

.. Petitioner

-vs-

The Director,
Department of Social Defence,
No.300, Purasawakkam High Road,
Kellys, Chennai - 600 010.

.. Respondent

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 18.01.2019 in accordance with law and consequently consider the appointment of the petitioner for the post of the Chair Person/Social Worker Member of the Juvenile Justice Board of Ariyalur District.

For Petitioner : Mr.T.Gowthaman

For Respondent : Mr.J.Pothiraj
Special Government Pleader

O R D E R

The petitioner has come forward with the above writ petition seeking a direction to the respondent to consider his representation dated 18.01.2019 in accordance with law and a consequential direction to consider his appointment for the post of the Chair Person/Social Worker Member of the Juvenile Justice Board of Ariyalur District.

2. Mr.J.Pothiraj, learned Special Government Pleader takes notice on behalf of the respondent.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.



4. The facts of the case is that the petitioner has completed B.L. and M.A. Sociology and practising as an Advocate for more than 25 years. He had applied for the post of Social Worker Member of the Juvenile Justice Board of Ariyalur District. Interview for the same was conducted before the Principal District Judge, Ariyalur and he attended the same. As per the directions of the Registrar General, High Court of Madras, the Selection Committee for the Juvenile Justice Board has prepared a rank list for the appointment of the Chair Person / Social Worker Member of the Juvenile Justice Board of Ariyalur District. In the said list, the petitioner has been placed third overall and second in the male category. But the respondent seeks to appoint one Subramaniyan, who was ranked eighth in the selection list. He is only a retired Head Master, who is 62 years of age and has no legal background. Under such circumstances, the petitioner has sent a representation dated 18.01.2019 to the respondent seeking to appoint him in the said post. Though his representation has been received by the respondent, no orders have been passed on the same till date. Hence, this writ petition.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondent, the writ petition is disposed of with the following directions:

i) A direction is issued to the respondent herein to consider the representation of the petitioner dated 18.01.2019, if not already disposed of and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order.

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;



iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 18.01.2019 and this order, to the respondent forthwith;

v) The respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rsi

To

The Director,
Department of Social Defence,
No.300, Purasawakkam High Road,
Kellys, Chennai - 600 010.

+1cc to Mr.T. Gowthaman, Advocate, Sr No.21153
+1cc to Government Pleader, Sr No.21048

W.P.No.8033 of 2021

Kv[co]
NSK 14/07/2021